

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-16-066
-vs-	)	
	)	D E C I S I O N
RICHARD JAMES PETERSON,	)	
	)	
Defendant.	)	

On December 8, 2016, the District Court sentenced the Defendant for the offenses of Counts I and II: Assault on a Minor, both felonies, to a commitment to the Montana State Prison for *concurrent* terms of ten (10) years, for each count, consecutive to the sentence in Cause No. DC-12-158. It was further ordered that in addition to the conditions of parole or probation as noted in the Judgment, the Defendant must also comply with all requirements imposed by the Court's Judgment of January 30, 2014 in Cause No. DC-12-158. The Court granted the Defendant credit for two hundred ninety-nine (299) days served in custody pending final disposition in this matter.

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4<sup>th</sup> day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



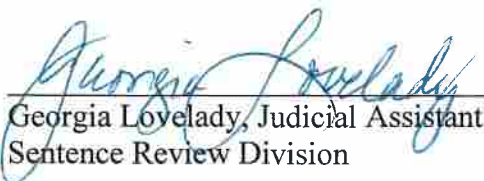
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day  
of June, 2017, to:

Clerk of District Court (Original)  
Richard James Peterson #3013333, Defendant (2)  
Hon. Robert Allison  
Brent Getty, Defense Counsel  
Travis Ahner, Esq  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division